

SENATE BILL 22

Unofficial Copy  
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2000 Regular Session  
0lr0841

(PRE-FILED)

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By: **Senators DeGrange and Teitelbaum**  
Requested: November 8, 1999  
Introduced and read first time: January 12, 2000  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Presumption of Occupational Disease - Hepatitis**  
3 **C and Liver Cancer**

4 FOR the purpose of creating a certain presumption of occupational disease for certain  
5 individuals engaged in certain public safety employment who face certain  
6 exposures arising out of and in the course of employment that may cause or  
7 facilitate the transmission of hepatitis C, and who then develop hepatitis C, or  
8 liver cancer as a complication of hepatitis C, and become totally or permanently  
9 disabled or die; requiring that certain of the employees undergo a  
10 preemployment physical to determine that the employee did not suffer from  
11 hepatitis C or liver cancer prior to employment; providing that workers'  
12 compensation benefits shall be paid in addition to any retirement benefits to  
13 which the individual may be entitled; requiring the adjustment of workers'  
14 compensation benefits under certain circumstances for certain employees; and  
15 generally relating to making a legal presumption of occupational disease  
16 applicable to certain public safety employees who contract hepatitis C in  
17 incidents arising out of and in the course of employment.

18 BY adding to  
19 Article - Labor and Employment  
20 Section 9-503.1  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Labor and Employment**

26 9-503.1.

27 (A) A PAID FIREFIGHTER, PAID FIRE FIGHTING INSTRUCTOR, OR SWORN  
28 MEMBER OF THE OFFICE OF THE STATE FIRE MARSHAL EMPLOYED BY AN AIRPORT  
29 AUTHORITY, A COUNTY, A FIRE CONTROL DISTRICT, A MUNICIPALITY, OR THE STATE

1 OR A VOLUNTEER FIREFIGHTER, VOLUNTEER FIRE FIGHTING INSTRUCTOR,  
2 VOLUNTEER RESCUE SQUAD MEMBER, OR VOLUNTEER ADVANCED LIFE SUPPORT  
3 UNIT MEMBER WHO IS A COVERED EMPLOYEE UNDER § 9-234 OF THIS TITLE IS  
4 PRESUMED TO HAVE AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE  
5 OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:

6 (1) (I) THE INDIVIDUAL DEVELOPS HEPATITIS C; OR

7 (II) DEVELOPS LIVER CANCER AS A COMPLICATION OF HEPATITIS  
8 C;

9 (2) THE HEPATITIS C OR THE LIVER CANCER RESULTS IN THE  
10 INDIVIDUAL'S PARTIAL OR TOTAL DISABILITY OR DEATH;

11 (3) PRIOR TO THE DATE OF DISABLEMENT FROM HEPATITIS C OR LIVER  
12 CANCER, THE INDIVIDUAL WAS REGULARLY EXPOSED, IN INCIDENTS ARISING OUT  
13 OF AND IN THE COURSE OF EMPLOYMENT, TO THE FOLLOWING ITEMS THAT MAY  
14 CAUSE OR FACILITATE THE TRANSMISSION OF HEPATITIS C:

15 (I) INADVERTENT NEEDLE PUNCTURES;

16 (II) THE BODILY FLUIDS OF OTHER INDIVIDUALS; OR

17 (III) BIOTOXINS OR OTHER HAZARDOUS BIOLOGICAL MATERIALS;  
18 AND

19 (4) THE INDIVIDUAL IS A VOLUNTEER FIREFIGHTER, VOLUNTEER FIRE  
20 FIGHTING INSTRUCTOR, VOLUNTEER RESCUE SQUAD MEMBER, OR VOLUNTEER  
21 ADVANCED LIFE SUPPORT UNIT MEMBER WHO:

22 (I) SUBMITTED TO A SUITABLE STANDARD PHYSICAL  
23 EXAMINATION BEFORE BECOMING A FIREFIGHTER, FIRE FIGHTING INSTRUCTOR,  
24 RESCUE SQUAD MEMBER, OR ADVANCED LIFE SUPPORT UNIT MEMBER TO  
25 DETERMINE WHETHER ANY HEPATITIS C OR LIVER CANCER EXISTED PRIOR TO  
26 EMPLOYMENT; AND

27 (II) DID NOT SUFFER FROM HEPATITIS C OR LIVER CANCER PRIOR  
28 TO EMPLOYMENT.

29 (B) A PAID POLICE OFFICER EMPLOYED BY AN AIRPORT AUTHORITY, A  
30 COUNTY, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, A  
31 MUNICIPALITY, OR THE STATE, A DEPUTY SHERIFF OF MONTGOMERY COUNTY, OR,  
32 SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PRINCE GEORGE'S COUNTY  
33 DEPUTY SHERIFF, IS PRESUMED TO BE SUFFERING FROM AN OCCUPATIONAL  
34 DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER  
35 THIS TITLE IF:

36 (1) (I) THE INDIVIDUAL DEVELOPS HEPATITIS C; OR

1 (II) DEVELOPS LIVER CANCER AS A COMPLICATION OF HEPATITIS  
2 C;

3 (2) THE HEPATITIS C OR THE LIVER CANCER RESULTS IN THE  
4 INDIVIDUAL'S PARTIAL OR TOTAL DISABILITY OR DEATH;

5 (3) PRIOR TO THE DATE OF DISABLEMENT FROM HEPATITIS C OR LIVER  
6 CANCER, THE INDIVIDUAL WAS REGULARLY EXPOSED, IN INCIDENTS ARISING OUT  
7 OF AND IN THE COURSE OF EMPLOYMENT, TO THE FOLLOWING ITEMS THAT MAY  
8 CAUSE OR FACILITATE THE TRANSMISSION OF HEPATITIS C:

9 (I) INADVERTENT NEEDLE PUNCTURES;

10 (II) THE BODILY FLUIDS OF OTHER INDIVIDUALS; OR

11 (III) BIOTOXINS OR OTHER HAZARDOUS BIOLOGICAL MATERIALS;  
12 AND

13 (4) THE INDIVIDUAL IS A PRINCE GEORGE'S COUNTY DEPUTY SHERIFF  
14 WHO:

15 (I) AS A CONDITION OF EMPLOYMENT, SUBMITTED TO A MEDICAL  
16 EXAMINATION PRIOR TO THE INDIVIDUAL'S EMPLOYMENT TO DETERMINE WHETHER  
17 ANY HEPATITIS C OR LIVER CANCER EXISTED PRIOR TO EMPLOYMENT; AND

18 (II) DID NOT SUFFER FROM HEPATITIS C OR LIVER CANCER PRIOR  
19 TO EMPLOYMENT.

20 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY  
21 PAID FIRE FIGHTER, PAID FIRE FIGHTING INSTRUCTOR, SWORN MEMBER OF THE  
22 OFFICE OF THE STATE FIRE MARSHAL, PAID POLICE OFFICER, PAID LAW  
23 ENFORCEMENT EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES, OR  
24 DEPUTY SHERIFF OF MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY WHO IS  
25 ELIGIBLE FOR BENEFITS UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL  
26 RECEIVE THE BENEFITS IN ADDITION TO ANY BENEFITS THAT THE INDIVIDUAL IS  
27 ENTITLED TO RECEIVE UNDER A RETIREMENT SYSTEM IN WHICH THE INDIVIDUAL  
28 WAS A PARTICIPANT AT THE TIME OF THE CLAIM.

29 (2) THE BENEFITS RECEIVED UNDER THIS TITLE SHALL BE ADJUSTED  
30 SO THAT THE WEEKLY TOTAL OF THOSE BENEFITS AND RETIREMENT BENEFITS  
31 DOES NOT EXCEED THE WEEKLY SALARY THAT WAS PAID TO THE PAID LAW  
32 ENFORCEMENT EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES,  
33 FIREFIGHTER, FIRE FIGHTING INSTRUCTOR, SWORN MEMBER OF THE OFFICE OF  
34 THE STATE FIRE MARSHAL, POLICE OFFICER, OR DEPUTY SHERIFF.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2000.